

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, MARCH 19, 2001
CITY COUNCIL ROOM
6:30 P.M.**

PRESENT: Harvey Fox, Chair Mark Lawton
 Lew Benton Vassar Curtis
 Elio Del-Sette Mia Mouzon
 Margie VanMeter Rita Balmuth
 Lee Nelson

ABSENT: Denise Polit Chris Whann

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

Harvey Fox called the meeting to order at 6:30 p.m.

APPROVAL OF FEBRUARY 12 MEETING MINUTES

Vassar Curtis moved and Rita Balmuth seconded to approve the February 12 meeting minutes as written. Ayes all.

APPROVAL OF FEBRUARY 19 MEETING MINUTES

Vassar Curtis moved and Elio Del-Sette seconded to approve the February 19 meeting minutes. Ayes all.

APPROVAL OF MARCH 12 MEETING MINUTES

Margie Van Meter moved and Vassar Curtis seconded to approve the March 12 meeting minutes. Ayes all.

BUDGET

Harvey Fox reported that there were no expenditures other than the weekly expenditure for salaries.

OUTREACH PROGRAM

Mark Lawton said the outreach committee is still working on contacting organizations to set dates and/or to send written material to them. Mia Mouzon said she, Chris Whann, Mark Lawton and Elio Del-Sette have been attending the Participation in Government class at the high school and those students have asked some good questions. Mia Mouzon said she would also follow up with the PTA and at a minimum would provide them with some material for their newsletter. Mia Mouzon said she would meet with Janice White, school district representative, and the fourth grade teachers to discuss the charter.

Harvey Fox asked about Skidmore College and if there was anyone on the campus interested in charter review. Lee Nelson said she had spoken to Bob Kimmerle and he referred her to Andrea Weiss. He said that they are willing to talk to charter members. Harvey Fox asked if there was any interest from faculty. Lee Nelson said she had spoken to Tim Burns, Department of Government, and she would follow up with him.

DRAFTING COMMITTEE

Lew Benton reported that the drafting committee had met over the weekend and they have established a meeting schedule. He said they are working on developing some draft language and will discuss the items forwarded to the committee over the next few weeks. He said when there is some consensus on the language, it would be brought back to the Commission.

CITY COUNCIL MEETING

Harvey Fox reminded Commission members that he would make a presentation to the City Council tomorrow evening at 7:00 p.m. He encouraged Commission members to attend.

STATE EDUCATION LAW AND LOCAL LAW #7 OF 1969

Tony Izzo said he had included in the packet sent to Commission members the majority of local laws adopted in 1969. He said many of those local laws seemed to impose additional responsibilities on Commissioners and most of them found their way into the charter. Elio Del-Sette asked why there were so many local laws of this type during that year. Tony Izzo said he was not sure, however, there was a Charter Commission during 1968, which was unsuccessful, and perhaps that is why.

Elio Del-Sette said it was interesting that local law #7 of 1969 placed the Engineering Department

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under the Mayor's Office. He said the Commissioner and charter would need to specifically address this if a change was to be made. Tony Izzo noted that not all of these local laws were approved at referendum, therefore, some did not make it into the charter.

Marjorie VanMeter asked about the recent Loughberry Lake proposal and whether it should go to referendum. Tony Izzo said he would need to research that issue. He said there is a specific list of items which need to go to referendum.

Elio Del-Sette asked when, if approved by the voters, would the new charter go into effect. Harvey Fox said January 2004. Margie VanMeter asked if it might be possible for the Council to implement any section before January 2004. Tony Izzo said yes. Elio Del-Sette asked if the Council could remove any item from the charter if approved. Tony Izzo said they could not amend the new charter until it took affect.

DUTIES AND RESPONSIBILITIES B FINANCE DEPARTMENT

Mark Lawton distributed a diagram of functions and possible placement of those functions among the Commissioners. He said there are some central services such as budget, engineering and personnel that go across the board. He said perhaps those functions should report to the City Council as a whole or a subcommittee of the Council. He said they could also be placed under the Mayor's Office.

Margie VanMeter asked what would the permits include as listed under the City Attorney. Mark Lawton said there are a number of permits issued throughout the City that should be issued from one office. Margie VanMeter pointed out that the Accounts Department issues many mundane sorts of permits while the building department issues more complicated ones. Tony Izzo said issuing permits throughout the City is a shared responsibility. He said permits such as street openings fall strictly under the purview of DPW. Mark Lawton said he would like to see a permit function coordinated by the City Attorney primarily to protect the City's liability. Tony Izzo said it was necessary to have a variety of officials issuing permits because of the substance of some of the permits.

Elio Del-Sette said he was concerned with the concept of creating a "director" for central city services. He said the functions listed should simply be placed under existing commissioners/mayor. He said creating a director might put the Commission at risk. He said these functions should be placed under a Council member and either report to the Council member or to the Council as a whole. He said another area of concern was the cost factor. He said creating a director would be a radical change. Mark Lawton indicated that it would not necessarily involve additional personnel or costs.

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Margie VanMeter said these functions have been previously discussed, however, the Commission has not yet decided where to place them. She said Commission members previously agreed that the City Attorney's office works for all departments. Elio Del-Sette said these functions could be placed under the existing departments. He said Commission members agreed to work under the existing charter and asked where in the existing charter there is a central city services director. Mark Lawton said the functions are more critical, not the director position, and these functions could report to the full Council or to the Mayor.

Tony Izzo asked Mark Lawton asked exactly what did these three boxes on the chart represent. Mark Lawton said they represent functions that go across the board that require coordination and someone to whom the function is responsible. He said these boxes represent central services functions and not individuals.

Elio Del-Sette again said these functions should be placed into existing departments. Mark Lawton said there were two options presented in the chart: a) have the central service functions report to either the Council as a whole or to an appropriate subcommittee of the Council; or b) place the central service functions in an existing department such as the Mayor's Office. Elio Del-Sette said it should be clear that the Commission has been operating under the assumption that they were using the current structure. Mark Lawton said his suggestions use the current structure. He said these functions are either new or existing ones that require greater definition and clarity and go across the board. He said turfism needs to be eliminated and there needs to be a mechanism for better service delivery. Elio Del-Sette suggested that language be added that requires interdepartmental cooperation and not a separate entity. Mark Lawton said the best and most efficient way is to group them together and have them report to the full council or to whomever the Council chooses.

Lew Benton said he thought Commission members had previously agreed that the City Attorney would be placed under the Mayor's office. He said we also discussed placing engineering under DPW. He further noted that although personnel had been discussed there was no agreement on where it should be placed, however, perhaps that could be finance. Lew Benton said it seemed to him that the Commission has concluded that every function needs to be tied to a commissioner or mayor for purposes of direct supervision. He said he would be concerned about seeing a function on its own not reporting to anyone.

Lee Nelson said she thought that Lew Benton had suggested the idea of subcommittees of the Council. Lew Benton said no, he had suggested only the Capital Program Committee, which would be under the Mayor's office.

Tony Izzo said it seemed that Commission members were dealing with two concepts: a) individuals who will perform the service and b) what language should be incorporated in the charter. He said

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if the Commission does the language, the placement of the individuals then becomes secondary. Harvey Fox said the new language would help with shared access, but it is still as important as to where the functions are assigned.

Harvey Fox asked for Commission members opinions on this matter: Lee Nelson said she would like to see a central administration reporting to or being part of the City Council or placed under the Mayor. Vassar Curtis said he thought the creation of a director would be a lightning rod. Mia Mouzon said it should be handled through the Mayor's Office. Rita Balmuth said most of these functions are already in existence except for personnel. Margie VanMeter said there needs to be a citywide structure and perhaps the functions should be in the Mayor's Office, although she was not adverse to having the Council as a whole being responsible. Harvey Fox said he agreed with Elio. He said with the proper language identifying the shared services, they should be assigned to the existing five departments.

Mike Lenz, Commissioner, Finance & Christine Gillmett-Brown, Deputy Commissioner, Finance

Harvey Fox welcomed Finance Commissioner Mike Lenz and Deputy Finance Commissioner Christine Gillmett-Brown.

Maintain employee history: Elio Del-Sette informed Mike Lenz that the Commission had been discussing the possibility of creating a human resources department and asked if it might be appropriate to place such a function in the Finance department. Mike Lenz said the Finance Department currently acts as a quasi personnel department now because they do payroll and health insurance. He noted that when there are employee changes, such as over the weekend in DPW, the Finance Department is consulted on ways to handle such issues. He said, though, that currently each department maintains individual records on its employees and Civil Service maintains examination and appointment records.

Lew Benton asked what other personnel functions might be incorporated into this function. Mark Lawton said items as job descriptions, contract negotiations, benefit administration, orientation, labor negotiations, etc. Mike Lenz said the City has a labor attorney who is recommended by the Mayor and approved by the Council for negotiation issues. Lew Benton reminded Commission members that all Council members have individual appointing authority and if there is a labor issue usually individual commissioner becomes involved. Mike Lenz said the labor attorney generally deals more directly with the Mayor's office. Lew Benton said Commission members need to remember that the appointing authority is responsible for personnel hearings. He said there are seven bargaining units in City Hall which makes this somewhat more difficult.

Elio Del-Sette asked what presently exists that could be integrated into a Human Resources Department and could report to the Finance Commissioner. Mike Lenz said there is some insurance issues that are split between the Accounts Department and the Finance Office. He said

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there was an issue earlier this year on the Broker of Record and whether it was the Finance Commissioner who should appoint or whether it was the Commissioner of Accounts, a.k.a. Purchasing Agent. He said perhaps there should be some consolidation in that area. Lew Benton said there were other personnel functions such as training and occupational safety that need to be addressed.

Christine Gillmet-Brown said at this time there is no formal training for employees, however, there are numerous courses available to employees.

Mike Lenz said if it was an objective of the Commission to have an existing department absorb this function than probably, like so many private corporations, Finance would be the logical location.

There was no consensus by Commission members that this function should be located in the Finance Department, therefore, it was decided to discuss this item at a later date.

Keep City Books

It was noted that this item was previously sent to the drafting committee.

Disburse Funds

Christine Gillmet-Brown explained that the Accounts Department acts as the purchasing agent and every expenditure made by the City is authorized by that department. She said an audit is then done by Finance and Finance prints the checks. She further explained that Mike Lenz brings the warrants to the Council for approval; and if approved, the Commissioner of Accounts signs the warrants and disbursement is made.

Mark Lawton moved and Elio Del-Sette seconded to maintain this function in Finance and to assign pre-audit to accounts and to refer it to the drafting committee for the appropriate language. Ayes all.

Waive of Bid

Margie VanMeter asked if Mike Lenz and Christine Gillmet-Brown thought the \$1,000 waive of bid limit should be raised. Christine Gillmet-Brown said it offers a certain level of control. Margie VanMeter said the state as a limit of between \$10,000 and \$20,000 depending on the law and item. Lew Benton said not all waives of bids are driven by cost. Margie VanMeter said it seems to waste a lot of Council members time discussing waives of bids. Lew Benton said there was also the issue of how much time and money is spent on the bidding process. Mark Lawton said perhaps there is a problem with the numbers of vouchers and their costs and if the dollar limit is increased the number of requests will lessen and the costs will be less.

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It was agreed that this issue would be tabled till another meeting.

Bonding Limitation

Elio Del-Sette asked Mike Lenz about the bonding limitation. Mike Lenz said he was not convinced that at this particular point that limit needed to be increased. He said currently the City is at about \$1.6 million below the limit and he felt that as long as the City is able to operate under the Connolly plan he was comfortable in doing so. Elio Del-Sette pointed out that it would be easier to increase that limit through this charter revision rather than through a separate referendum. Mike Lenz agreed. He said he also believed though that whatever the new limit might be, it would be very likely that we would reach it. Lew Benton said the Commission would like to add more discipline to functions such as the capital budget.

Mike Lenz asked if the Commission believed that the capital budget process belonged in the Mayor's Office. Lew Benton said they have not reached that decision yet. Mike Lenz said it is difficult for his office to develop the general budget with no knowledge of what might be in the capital budget. He said those budgets together form the tax rate. He suggested that the Commission give some thought to having those functions under one department. He said he understood the argument about checks and balances in having the capital budget in a separate department, but there is difficulty in calculating a tax rate and informing the public of the figures. Lew Benton said the Commission had discussed the concept of a capital program committee. Mike Lenz said he made that same recommendation to the Council a few years ago. Lew Benton asked Mike Lenz to provide the Commission with that recommendation. Mike Lenz agreed.

Serve as chief fiscal officer

Lew Benton moved and Elio Del-Sette seconded to retain this function in the Finance Department and refer it to the drafting language. Ayes all.

Receive City Monies

Mark Lawton asked if Finance receives all monies that comes into the City. Christine Gillmett-Brown said ultimately yes, however, money is received in various departments throughout City Hall and then forwarded to Finance. She said for instance the Accounts Departments receives money for dog licensing, marriage licences and at the end of each month, that money is forwarded to the Finance Department. Margie VanMeter asked about Casino rental fees. Christine Gillmett-Brown said the money is ultimately turned over to Finance. Margie VanMeter asked about DPW doing work under the CDBG program. Christine Gillmett-Brown said the funds are transferred from CDBG to DPW for payment of services.

Mark Lawton asked if all revenues are appropriated. Christine Gillmett-Brown said yes. She said

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the budget is continually amended to reflect new revenues. Margie VanMeter asked if revenues are tracked against expenditures by department. Christine Gillmet-Brown said, for example, revenues do not cover all of the Recreation Department's expenses. She said department budgets are not meant to be self-sustaining and the shortfall is made up through other revenue sources. She said, though, that revenues are tracked by department.

Mike Lenz said by October 1 of each year, all departments forward their proposed expenditures and revenues to the Finance Department and a draft budget is developed. He said public hearings and workshops are then held to justify the expenditures and revenues. Mark Lawton asked if there is a financial plan. Mike Lenz said there is a financial framework on the direction that the City should be moving. Mike Lenz said he also reports monthly to the Council on revenues and expenditures. Christine Gillmet-Brown pointed out that all departments have the capability of tracking their own budget by accessing the budget through the City's computer system.

Margie VanMeter asked about transfers. Christine Gillmet-Brown said transfers happen frequently. She said periodically there are unanticipated expenditures in a line item that requires transferring funds from another. Lew Benton said there seems to be a history of spending more than appropriated in line items. Mike Lenz said that sometimes happens, however, he is more concerned with whether the overall budget is within or under budget. He said Finance acts as the internal auditor and does not have the responsibility of telling a department where to put their money. Christine Gillmet-Brown explained that when the accounts payable office enters a voucher for payment and there is no money in the line item it is kicked out. She said departments are now forced to make the transfers at that time rather than waiting until the end of the year. She said the budget process continues to improve with the new computer system.

Mark Lawton asked if there is a narrative with the budget. Mike Lenz said when the budget is developed, Commissioners offer explanations for large increases or decreases in any particular line item. He said during the last budget process, the budget was reviewed line by line.

Mike Lenz said he would like to see a more disciplined process stated in the charter on having the Finance Department and the Mayor's Office work together on the budget process. He asked that Commission members consider some such text. Christine Gillmet-Brown also suggested better definition on which budgets are due on October 1. She said all budgets are due, however, it is not specifically noted in the charter.

Harvey Fox thanked both Mike Lenz and Christine Gillmet-Brown for attending this meeting.

ADJOURNMENT

Elio Del-Sette moved and Vassar Curtis seconded to adjourn the meeting at 9:00 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:00 p.m.

Respectfully submitted,

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Approved:

Kathy Moran
Clerk